

2 sources, TR SO<sub>2</sub> Group 2 units, and State (and Indian country within the borders of such State) involved, provided that such litigation was initiated no later than 30 days after promulgation of such notice required in paragraph (b)(2)(iii)(B) of this section.

(iii) If the revised data are used to recalculate, in accordance with paragraphs (b)(6)(i) and (ii) of this section, the amount of TR SO<sub>2</sub> Group 2 allowances that the owners and operators are required to hold for such control period with regard to the TR SO<sub>2</sub> Group 2 sources, TR SO<sub>2</sub> Group 2 units, and State (and Indian country within the borders of such State) involved—

(A) Where the amount of TR SO<sub>2</sub> Group 2 allowances that the owners and operators are required to hold increases as a result of the use of all such revised data, the Administrator will establish a new, reasonable deadline on which the owners and operators shall hold the additional amount of TR SO<sub>2</sub> Group 2 allowances in the assurance account established by the Administrator for the appropriate TR SO<sub>2</sub> Group 2 sources, TR SO<sub>2</sub> Group 2 units, and State (and Indian country within the borders of such State) under paragraph (b)(3) of this section. The owners' and operators' failure to hold such additional amount, as required, before the new deadline shall not be a violation of the Clean Air Act. The owners' and operators' failure to hold such additional amount, as required, as of the new deadline shall be a violation of the Clean Air Act. Each TR SO<sub>2</sub> Group 2 allowance that the owners and operators fail to hold as required as of the new deadline, and each day in such control period, shall be a separate violation of the Clean Air Act.

(B) For the owners and operators for which the amount of TR SO<sub>2</sub> Group 2 allowances required to be held decreases as a result of the use of all such revised data, the Administrator will record, in all accounts from which TR SO<sub>2</sub> Group 2 allowances were transferred by such owners and operators for such control period to the assurance account established by the Administrator for the appropriate at TR SO<sub>2</sub> Group 2 sources, TR SO<sub>2</sub> Group 2 units, and State (and Indian country within the borders of such State) under para-

graph (b)(3) of this section, a total amount of the TR SO<sub>2</sub> Group 2 allowances held in such assurance account equal to the amount of the decrease. If TR SO<sub>2</sub> Group 2 allowances were transferred to such assurance account from more than one account, the amount of TR SO<sub>2</sub> Group 2 allowances recorded in each such transferor account will be in proportion to the percentage of the total amount of TR SO<sub>2</sub> Group 2 allowances transferred to such assurance account for such control period from such transferor account.

(C) Each TR SO<sub>2</sub> Group 2 allowance held under paragraph (b)(6)(iii)(A) of this section as a result of recalculation of requirements under the TR SO<sub>2</sub> Group 2 assurance provisions for such control period must be a TR SO<sub>2</sub> Group 2 allowance allocated for a control period in a year before or the year immediately following, or in the same year as, the year of such control period.

[76 FR 48458, Aug. 8, 2011, as amended at 77 FR 10340, Feb. 21, 2012]

#### § 97.726 Banking.

(a) A TR SO<sub>2</sub> Group 2 allowance may be banked for future use or transfer in a compliance account or a general account in accordance with paragraph (b) of this section.

(b) Any TR SO<sub>2</sub> Group 2 allowance that is held in a compliance account or a general account will remain in such account unless and until the TR SO<sub>2</sub> Group 2 allowance is deducted or transferred under § 97.711(c), § 97.723, § 97.724, § 97.725, § 97.727, or § 97.728.

#### § 97.727 Account error.

The Administrator may, at his or her sole discretion and on his or her own motion, correct any error in any Allowance Management System account. Within 10 business days of making such correction, the Administrator will notify the authorized account representative for the account.

#### § 97.728 Administrator's action on submissions.

(a) The Administrator may review and conduct independent audits concerning any submission under the TR SO<sub>2</sub> Group 2 Trading Program and make appropriate adjustments of the information in the submission.